

Message Text

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PAGE 01 STATE 296004
ORIGIN L-03

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DRAFTED BY L:MFELDMAN;L/EB:FWILLIS
APPROVED BY L/EB:FWILLIS
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FM SECSTATE WASHDC
TO AMEMBASSY MEXICO IMMEDIATE

C O N F I D E N T I A L STATE 296004

STADIS//////////

E.O.111652 XGDS-3

TAGS: PROP, PINR, MX

SUBJECT: EXCHANGE OF ILLICIT PAYMENTS INFORMATION:
BAEZA REQUEST TO VISIT US DEPARTMENT OF JUSTICE

REFS: (A) MEXICO 19040 (B) STATE 283840 (C) WILLIS/
OZZELLO TELCON.

1. FYI: WE WELCOME OPPORTUNITY TO HOLD HIGH-LEVEL,
INFORMAL DISCUSSIONS WITH OFFICIALS OF MEXICAN MINISTRY
OF JUSTICE ON COOPERATION WITH RESPECT TO ILLICIT PAYMENTS
ISSUES. WE ALSO SEE ADVANTAGES IN ESTABLISHING A
CHANNEL FOR DIRECT COMMUNICATION BETWEEN THE US EMBASSY
AND GOM MINISTRY OF JUSTICE. AS YOU WILL RECALL,
PRESIDENT LOPEZ PORTILLO HAD RESPONDED AFFIRMATIVELY
TO OUR REQUEST FOR BILATERAL CONSULTATIONS ON THESE
ISSUES BUT THE FOREIGN MINISTRY HAS MADE CLEAR IT IS
NOT INTERESTED IN DISCUSSIONS ON BRIBERY UNLESS WE ARE
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PREPARED TO DISCUSS THE UN CODE OF CONDUCT AS WELL.
END FYI.

2. YOU ARE AUTHORIZED TO ADVISE BAEZA MELENDEZ THAT THE
JUSTICE DEPT WOULD BE PLEASED TO MEET WITH A MEXICAN TEAM
IN WASHINGTON AS NOTED PARA 3. WE ANTICIPATE THAT THE US
TEAM WOULD BE LED BY PHILIP HEYMANN, ASSISTANT ATTORNEY

GENERAL OF THE CRIMINAL DIVISION, AND WOULD INCLUDE OTHER

JUSTICE AND STATE DEPT LAWYERS RESPONSIBLE FOR ILLICIT PAYMENTS MATTERS. AT THE SAME TIME, WHILE EMPHASIZING STRONG US INTEREST IN PROVIDING GOM ADEQUATE NOTICE AND INFORMATION, GOM SHOULD REALIZE THAT THERE ARE REAL LIMITATIONS ON WHAT USG CAN DO. GRAND JURY SECRECY IS ONE IMPORTANT LIMITATION; ANOTHER IS THE STATUS OF THE SEC AS A USG AGENCY INDEPENDENT OF THE EXECUTIVE BRANCH. WE ARE PREPARED TO CONSIDER SERIOUSLY A BROADER AGREEMENT THAN THE AD HOC AGREEMENTS NOW IN FORCE, BUT THERE ARE DIFFICULT ISSUES FOR US, AND IN ANY EVENT WE COULD NOT GUARANTEE BY AGREEMENT THAT ALL SURPRISES WOULD BE AVOIDED. THE BEST PROCEDURE FOR MINIMIZING THEM APPEARS TO BE THE DIRECT CHANNEL OF COMMUNICATION BAEZA HAS IN MIND. WE DO THINK IT WOULD BE VERY USEFUL TO HOLD THE DISCUSSIONS PROPOSED BY MEXICO EVEN IF NO COMPLETE SOLUTION CAN BE FOUND. FYI. JUSTICE IS TAKING THE POSITION THAT IT CANNOT AGREE TO ANYTHING BROADER SUBSTANTIVELY THAN WHAT WE HAVE NOW. IT IS ALSO UNCLEAR WHAT THE SEC WOULD BE PREPARED TO COMMIT ITSELF TO. WE WILL TRY TO IRON OUT OUR POSITIONS IN THE COMING WEEK, BUT EMBASSY SHOULD BE AWARE THAT WITHIN TIMEFRAME GIVEN IT IS DIFFICULT TO BE VERY FORTHCOMING WITH RESPECT TO FORMAL ARRANGEMENTS. END FYI.

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3. WITH RESPECT TO TIMING OF MEETING, HEYMAN'S SCHEDULE IS NOT TIED DOWN AS YET. WE PRESUME DATES PRIOR TO DECEMBER 15 WOULD BE RESPONSIVE. WE WOULD APPRECIATE YOUR DETERMINING MOST CONVENIENT TIME FOR BAEZA WITHIN NEXT THREE WEEKS, WITH ONE OR TWO ALTERNATIVE DATES, AND WE WILL TRY TO SETTLE ON ONE OF THEM.

CHRISTOPHER

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